

CIVIL RIGHTS COMMISSION[161]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 216.5, the Iowa Civil Rights Commission hereby gives Notice of Intended Action to amend Chapter 3, “Complaint Process,” Iowa Administrative Code.

This amendment clarifies mediation procedures and may result in additional and expedited settlements.

Any interested persons may make written comments on the proposed amendment on or before 4:30 p.m. on April 6, 2010. Written comments should be addressed to the Iowa Civil Rights Commission, Grimes State Office Building, Des Moines, Iowa 50319. Comments may also be submitted by fax to (515)242-5840 or by E-mail to ralph.rosenberg@iowa.gov.

A public hearing will be held in the Commission Office, First Floor South, Grimes State Office Building, East 14th and Grand Avenue, Des Moines, Iowa, from 2 to 4 p.m. on April 6, 2010. At this time, persons may present their views either orally or in writing. Persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Commission and advise of specific needs.

The proposed amendment is subject to the Commission’s general waiver provisions found at 161—Chapter 15.

This amendment is intended to implement Iowa Code section 216.5.

The following amendment is proposed.

Amend rule 161—3.11(216) as follows:

161—3.11(216) Mediation. ~~The executive director or designee may conduct an impartial mediation of the complaint by offering the complainant and the respondent an opportunity to negotiate a no-fault predetermination settlement for the purpose of amicably resolving the complaint prior to full investigation.~~

3.11(1) Mediation shall be available once a complaint has been filed, when a party to the complaint requests mediation, when the case has been preliminarily screened in for investigation pursuant to the procedures set forth in rule 161—3.12(216), or at any time while the complaint is still open and the parties agree to participate. Mediation is a neutral, non-fact-finding process, at which parties attempt to negotiate a no-fault predetermination settlement for the purpose of amicably resolving the complaint. Mediation shall be available to all parties irrespective of representation by counsel. Mediation may encompass all issues in the case which could have been investigated by the commission including any claims for unlawful retaliation that may exist through the date of the mediation notice. If the parties agree to seek and obtain a global settlement not limited to a resolution of the civil rights issues, the mediation may be expanded to include these collateral claims.

3.11(2) Mediation notification shall be sent via regular or electronic mail to all parties and their respective counsels, if applicable. Notification may include detailed information on the mediation process.